



<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/660,389
	Filing Date	09/11/2003
	First Named Inventor	Abtar Singh et al.
	Art Unit	2857
	Examiner Name	Manuel L. Barbee
Total Number of Pages in This Submission	Attorney Docket Number	5264-000003/COB

ENCLOSURES (check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael Malinzak	Reg. No. 43,770
Signature			
Date	January 6, 2006		

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EV 717 344 225 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/660,389  
Filing Date: 09/11/2003  
Applicant: Abtar Singh et al.  
Group Art Unit: 2857  
Examiner: Manuel L. Barbee  
Title: FOOD QUALITY AND SAFETY MODEL FOR  
REFRIGERATED FOOD  
Attorney Docket: 5264-000003/COB

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Director of The United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

The Examiner's Statement of Reasons for Allowance is respectfully traversed. Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. 1.104 (e). In the present case, Applicants believe the record as a whole makes clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted, especially since the statement may unfairly focus on certain reasons for allowance that are not reflected by the prosecution history. Therefore, the record should reflect that Applicants do not necessarily agree with each

statement in the reasons for allowance and specifically disagrees with the narrow characterization of Applicants' claimed invention.

The record should reflect the following comments concerning the Examiner's statement in the reasons for allowance. While Applicants believe that each of the claims are patentably distinct over the prior art, Applicants submit that patentability does not reside solely in the combination of features identified in the Examiner's reasons, or that each feature or combination of features identified therein is required for patentability, or that equivalents of any of the recited features are outside the scope of the claims. Each and every allowed claim is novel and nonobvious due to the combination of elements contained therein and not due to any single element. Thus, every element should be interpreted as broadly as claimed with all equivalents. Moreover, to the extent the reasons for allowance do not separately address the subject matter of each claim, Applicants submit that the failure to address each claim does not infer that the subject matter thereof fails to present other reasons for allowance apart from those specifically stated by the Examiner.

Respectfully submitted,

Dated: January 6, 2006

By:   
Michael Malinzak, Reg. No. 43,770

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